

D

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE
DIRECTOR OF THE INTELLIGENCE STAFF

JUN 29 2009

Mr. Nathan Cardozo
Electronic Frontier Foundation
454 Shotwell Street
San Francisco, CA 94110

Reference: DF-2009-00083

Dear Mr. Cardozo:

Your facsimile dated 19 June 2009, addressed to the Director, Information Management Office, Office of the Director of National Intelligence, was received in our office on 19 June 2009. You requested, under the Freedom of Information Act (FOIA), **"a copy of all reports submitted by the ODNI to the IOB pursuant to Executive Order 12863 from February 25, 2008 through February 29, 2008, and copies of all records concerning the DNI's activities under Executive Order 13462 from February 29, 2008 to the present."**

We accept your request and it will be processed in accordance with the FOIA, 5 U.S.C. § 552, as amended. We assigned your request the reference number above.

Please be advised that should we be unable to respond to your request within the 20 working days the FOIA requires, you have the right to consider the delay a denial of this request and may file an appeal with the undersigned. A more practical approach, however, would permit us to continue processing your request and respond to you as soon as we can. You will retain your appeal rights and, once you receive the results of our search, can appeal at that time if you wish. We will proceed on that basis unless you object.

Sincerely,



John F. Hackett
Director, Information Management Office

Exhibit D

E

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, DC 20511

Mr. Nathan Cardozo
Electronic Frontier Foundation
454 Shotwell Street
San Francisco, CA 94110

DEC 14 2009

Reference: DF-2008-00029
DF-2009-00083

Dear Mr. Cardozo:

This is an interim response to your 25 February 2008 and 19 June 2009 Freedom of Information Act (FOIA) requests to the Director of National Intelligence (ODNI) wherein you requested copies of all reports submitted by the ODNI to the IOB pursuant to Executive Order 12863 since April 2005 and copies of all records concerning the DNI's activities under Executive Order 13462 from February 29, 2008 to the present.

Your request was processed in accordance with the FOIA, 5 U.S.C. § 552, as amended. ODNI conducted a search for ODNI IOB reports responsive to your requests and located 24 documents, totaling 31 pages. This is a correction from our declaration dated 27 October 2009.

Upon review, portions of the documents have been withheld pursuant to FOIA Exemptions 1, 2, 3 and 6, 5 U.S.C. § 552 (b)(1), (2), (3) and (6). Exemption 1 protects information which is currently and properly classified in accordance with Executive Order 12958, as amended. Exemption 2 protects information that is strictly of an internal, administrative nature. Exemption 3 protects information protected by statute, in this instance the National Security Act of 1947, 50 U.S.C. § 403-1(i)(1). Exemption 6 protects information which would cause an unwarranted invasion of personal privacy if released. We are continuing to process records responsive to the remainder of your request.

Although I am aware that your request is currently the subject of litigation, I am required to advise you of your right to file an administrative appeal.

Sincerely,



John F. Hackett
Director, Information Management Office

Exhibit E

F

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE
DIRECTOR OF THE INTELLIGENCE STAFF

Mr. Nathan Cardozo
Electronic Frontier Foundation
454 Shotwell Street
San Francisco, CA 94110

FEB 25 2010

Reference: DF-2008-00009
DF-2009-00083

Dear Mr. Cardozo:

Enclosed please find documents that are responsive to your 25 February 2008 and 19 June 2009 Freedom of Information Act (FOIA) requests to the Office of the Director of National Intelligence (ODNI) wherein you requested copies of all reports submitted by the ODNI to the IOB pursuant to Executive Order 12863 since April 2005, and copies of all records concerning the DNI's activities under Executive Order 13462 from February 2008 to the present.

Your requests were processed in accordance with the FOIA, 5 U.S.C. § 552, as amended. ODNI conducted a search for records and located approximately 3000 pages of responsive documents. Of those, 47 documents totaling approximately 500 pages have been referred to other agencies for their review and direct response to you.

Of the remaining 2500 pages, approximately 1750 pages, consisting of email between ODNI, other executive branch agencies, and the IOB, have been withheld in full pursuant to FOIA Exemptions 2, 3, 5, and 6, 5 U.S.C. § 552(b)(2), (3), (5), and (6). Approximately 500 pages of those emails are also withheld pursuant to FOIA Exemption 1, 5 U.S.C. § 552(b)(1). An additional 500 pages, consisting of draft documents, are withheld in full pursuant to FOIA Exemptions 1, 2, 3, 5, and 6, 5 U.S.C. § 552(b)(1), (b)(2), (b)(3), (b)(5), and (b)(6). The remaining 216 pages are released with redactions. The redacted material is withheld pursuant to FOIA Exemptions 1, 2, 3, 5, and 6, 5 U.S.C. § 552(b)(1), (b)(2), (b)(3), (b)(5), and (b)(6). Exemption 1 protects information that is currently and properly classified. Exemption 2 pertains to purely internal rules and practices of an agency. Exemption 3 pertains to matters specifically exempted from disclosure by statute. In this instance, the applicable Exemption 3 statutes are 50 U.S.C. 403-1(i)(1) and Section 6 of the National Security Act of 1959 Pub. L. 86-36, codified at 50 U.S.C. § 402 note. Exemption 5 pertains to inter- or intra-agency communications protected by the deliberative process and presidential communications privileges. Lastly, Exemption 6 protects information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Exhibit F

Finally, DOJ referred four documents, totaling six pages, to ODNI for our review and direct response to you. Of those, two documents were released to you with redactions by ODNI letter dated 14 December 2009. One document was referred to DOD IG and was released to you with redactions by DOD IG letter dated 2 December 2009. The remaining document is enclosed here with no redactions.

Although I am aware that your request is the subject of litigation, I am required to advise you of your right to file an administrative appeal.

Sincerely,

A handwritten signature in dark ink, appearing to read "John F. Hackett". The signature is fluid and cursive, with the first name "John" and last name "Hackett" clearly distinguishable.

John F. Hackett

Director, Information Management Office

G

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, DC 20511

Mr. Nathan Cardozo
Electronic Frontier Foundation
454 Shotwell Street
San Francisco, CA 94110

MAR 23 2010

Reference: DF-2008-00009
DF-2009-00083

Dear Mr. Cardozo:

This is in further response to your 25 February 2008 and 19 June 2009 Freedom of Information Act (FOIA) requests to the Office of the Director of National Intelligence (ODNI) wherein you requested copies of all reports submitted by the ODNI to the IOB pursuant to Executive Order 12863 since April 2005, and copies of all records concerning the DNI's activities under Executive Order 13462 from February 2008 to the present.

By letter dated February 25, 2010 we released 216 pages of material and withheld 1526 pages. (Please note that we initially advised you that approximately 1750 pages was being withheld from you. We have since determined that the actual number is 1526.) Upon further review we have determined that another 152 pages are appropriate for release with redactions made pursuant to FOIA Exemptions 1, 2, 3, 5, 6, and 7(C), 5 U.S.C. § 552(b)(1), (2), (3), (5), (6), and (7)(C).

In our previous letter we also advised you that we had referred approximately 500 pages of records to other agencies for review and direct response to you. We have since determined that the actual number of pages referred was 318. Enclosed you will find 98 pages of records that had been referred to other agencies but that we are providing to you directly as a matter of administrative ease. These documents are being released on behalf of the Federal Bureau of Investigation, the Department of Defense, the Drug Enforcement Administration, the Department of Treasury, the Department of Energy, and the Department of State. In addition, you will be receiving a response directly from the Department of Defense's Office of the Inspector General. It is my understanding that all other referrals have been processed and responses have been provided directly to you by the originating agencies.

Although I am aware that your request is the subject of litigation, I am required to advise you of your right to file an administrative appeal.

Sincerely,



John F. Hackett

Director, Information Management Office

Exhibit G

H

Laura S Kim

From: Jennifer L Hudson
Sent: Wednesday, August 03, 2011 7:32 AM
To: Laura S Kim; Tricia S Wellman
Subject: FW: ODNI Documents Related to IOB Part 1
Attachments: IOB Drafts - Aug 2.xls; IOB Reporting FAQ.pdf; IOB Vaughn (2 Aug).xls

FYI – EFF confirmed receipt of all parts.

From: Jennifer L Hudson
Sent: Tuesday, August 02, 2011 1:01 PM
To: 'jlynch@eff.org'
Subject: ODNI Documents Related to IOB Part 1

Jennifer,

As agreed, ODNI is providing copies of documents related to the IOB that were previously released in part. These copies include Bates numbering so that you will be able to match documents to our Vaughn Index (copies also attached). Also, you will find one document that is being provided as a supplemental release. A final version of this document was recently located and processed as part of this case. Because there are so many documents, I will be sending this in seven parts. Please confirm when you have received all seven emails.

Thank you,
Jennifer Hudson
Chief, Information Review and Release
ODNI

I

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, DC 20511

Mr. Nathan Cardozo
Electronic Frontier Foundation
454 Shotwell Street
San Francisco, CA 94110

NOV 8 2011

References: DF-2008-00009 and DF-2009-00083

Dear Mr. Cardozo:

This response serves as a supplemental release to your 25 February 2008 and 19 June 2009 Freedom of Information Act (FOIA) requests to the Office of the Director of National Intelligence (ODNI), wherein you requested copies of all reports submitted by the ODNI to the Intelligence Oversight Board pursuant to Executive Order 12863 since April 2005, and copies of all records concerning ODNI's activities under Executive Order 13462 from February 2008 to the present.

Your request was processed in accordance with the FOIA, 5 U.S.C. § 552, as amended. Upon review, we have determined that 337 pages of material may be released in segregable form with ODNI deletions made pursuant to FOIA Exemptions 2, 5, and 6, 5 U.S.C. § 552 (b)(2), (5), and (6). Additional redactions have been made at the request of originating agencies as indicated on the documents. The material as approved for release is enclosed.

Exemption 2 protects records that relate to the internal personnel rules and practices of an agency. Exemption 5 protects inter- or intra-agency communications protected by the deliberative process and presidential communications privileges. Exemption 6 protects information that would constitute a clearly unwarranted invasion of personal privacy.

Although your request is the subject of pending litigation I am required by regulation to advise you of your right to an administrative appeal. Appeals must be received within 45 days of the date of this letter. If you have any questions, please call the Requester Service Center at (703) 874-8500.

Sincerely,



John F. Hackett
Director, Information Management Office

Enclosure (337-pages)

Exhibit I